

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DERRIS LEWIS, et al.,

Plaintiffs,

v.

ALTHEA YOUNG, et al.,

Defendants.

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**Civil Action No. 2:10-CV-125
Judge Algenon L. Marbley
Magistrate Judge Deavers**

ORDER

This matter is before the Court on the Motion to Dismiss Pursuant to FRCP 41(a). (Doc. 4.) On February 12, 2010, Plaintiffs initiated this action in this Court. On April 14, 2010, Plaintiffs filed a motion to voluntarily dismiss this case because the claim has been settled by the parties through negotiation. Defendants have not yet filed an answer or otherwise pled. There are no counterclaims or cross-claims pending in this matter. Federal Rule 41(a) provides that “the plaintiff may dismiss an action without court order by filing...a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1). Plaintiffs Motion to Dismiss is **GRANTED**. This case is dismissed without prejudice.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Court Judge

DATED: April 16, 2010